

Amended  
July 21, 2010

## REMARKS

### The Office Communication

On June 18, a telephone interview occurred between the undersigned and the Examiner. In the interview, the Examiner requested submission of amended claims conforming with the Board's decision that was mailed on March 22, 2010. The Examiner indicated the amended claims would be entered by Examiner's amendment. A fax transmission of the requested amended claims was sent to the Examiner on June 18, 2010 at 15:07 HST. The amended claims in that transmission are reflected in the amended claims presented above. Subsequent to the fax transmission, the Examiner called the undersigned to inquire as to why claim 8 was not canceled. As explained during that subsequent interview, claim 1 depends from claim 7 and the Board's decision and reasoning presented in the decision clearly reversed the Examiner with respect to claim 7. Consequently, the statement that the Examiner was affirmed with respect to claim 8 is a typographical error as claim 8 is dependent from claim 7 making claim 8 allowable as a matter of law.

The Office communication purportedly mailed on June 23, 2010 was never received at the address indicated on the face of the communication. In expectation of a Notice of Allowance based upon the prior communications with the Examiner and the transmission of the amended claims, an online check of the large file wrapper for this application was conducted through the public PAIR system on July 21, 2010. Upon discovery of the allegedly mailed Office communication, this response was prepared.